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10/735,894	12/16/2003	Jung-hoe Kim	030681-610	5705

  

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EXAMINER	
LENNOX, NATALIE	

  

ART UNIT	PAPER NUMBER
2626	

  

NOTIFICATION DATE	DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/735,894

Applicant(s)

KIM ET AL.

Examiner

Natalie Lennox

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

This Office Action has been issued in response to the amendments filed on November 7, 2007. Claims 1-17 are still pending, with claims 1, 6, and 9 amended.

### ***Response to Arguments***

1. Applicant's arguments filed November 7, 2007 have been fully considered but they are not persuasive.

Regarding applicant's argument on Remarks page 11, lines 7-10, with respect to the bit-slice arithmetic coding (BSAC) disclosed in Park being developed by the same assignee as the present application,

Regarding claims 1, 6, 9, and 12, applicant argues that in the BSAC technique (prior art), coding is performed in units of bits, while the coding of the presently claimed invention is performed in units of symbols (Remarks page 11, last line to page 12, first two lines). However, examiner points out to applicant's disclosure page 5, lines 18-21, where the "units of symbols [are] in order from a symbol formed with most significant bits (MSB) down to a symbol formed with least significant bits (LSB)." And further, on page 13, lines 17-25, applicant discloses that the "number of bits of symbols consisting of MSBs is 4 or less," clearly stating that the symbols are bits. Also, on line 23, "a symbol formed with the MSBs, msb, is "1001b." The symbol "1001b" equates to the binary number 1001b, therefore examiner interprets the symbol as being a binary number per se.

Regarding claims 1 and 6, applicant added to the claims the limitation "wherein at least one of the foregoing steps is carried out on a programmable device," and argued "that an abstract idea with a practical application will only be patentable if it involves another class of statutory subject matter," and that this requirement was met, as recognized by the Supreme Court, "when the abstract idea is a process that is tied to a particular apparatus" (Remark's page 10, lines 1-6). These arguments provided by the applicant are true. However, as stated in the 35 U.S.C. 112 first rejection below, applicant does not provide a description in the disclosure of such programmable device. Thus, the 35 U.S.C. 101 rejection still stands.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 1 and 6, applicant amended the claim to include the limitation "wherein at least one of the foregoing steps is carried out on a programmable device." As originally filed, applicant's disclosure does not

mention or give a description of such programmable device; therefore the newly included limitation is deemed as containing new matter.

***Claim Rejections - 35 USC § 101***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1 and 6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 and 6 refer to methods for encoding and decoding audio data, therefore executing a mathematical algorithm. If the "acts" of a claimed process manipulate only numbers, abstract concepts or ideas, or signals representing any of the foregoing, the acts are not being applied to appropriate subject matter. Thus, a process consisting solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a statutory process.

***Claim Rejections - 35 USC § 102***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1-4, and 6-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Park (US Patent 6,438,525).

As per claim 1, Park teaches a coding method comprising:

slicing audio data so that sliced audio data corresponds to a plurality of layers (Col. 6, lines 6-12);

obtaining scale band information and coding band information corresponding to each of the plurality of layers (Col. 6, lines 1-6 and Col. 3, lines 39-42, wherein the quantization step size information is the scale factor information, and the quantization bit information is the coding model information);

coding additional information containing scale factor information and coding model information based on scale band information and coding band information corresponding to a first layer (Col. 6, lines 1-6 and Col. 3, lines 39-42, wherein the quantization step size information is the scale factor information, and the quantization bit information is the coding model information);

obtaining quantized samples by quantizing audio data corresponding to the first layer with reference to the scale factor information (Col. 12, lines 15-19; wherein the step size information is the scale factor information, and Col. 6, lines 21-36);

Huffman-coding the obtained plurality of quantized samples in units of symbols in order from a symbol formed with most significant bits (MSB) down to a symbol formed with least significant bits (LSB) by referring to the coding model information (Col. 6, lines 1-12, wherein the units of symbols are represented by the bit sequences, also Col. 11, lines 3-14 and Col. 3, lines 46-48); and

repeatedly performing the steps with increasing the ordinal number of the layer one by one every time, until coding for the plurality of layers is finished (Col. 6, lines 1-6),

wherein at least one of the foregoing steps is carried out on a programmable device (Col. 13, lines 38-45).

As per claim 2, Park teaches the method of claim 1, further comprising, before the coding of additional information,

obtaining a bit range allowed in each of the plurality of layers, wherein in the coding of the obtained plurality of quantized samples, the number of coded bits is counted, and if the number of counted bits exceeds a bit range corresponding to the bits, coding is stopped, and if the number of counted bits is less than the bit range corresponding to the bits even after quantized samples are all coded, bits that remain not coded after coding in a lower layer is finished are coded to the extent that the bit range permits (Steps (b) and (c) from Col. 3, lines 18-35, wherein the predetermined layer size is the allowed bit range per layer.).

As per claim 3, Park teaches the method of claim 1, wherein the slicing of audio data comprises:

performing a wavelet transform of audio data (time/frequency mapping portion 200 from Fig. 2 and Col. 5, lines 41-43); and

slicing the wavelet-transformed data by referring to a cut-off frequency so that the sliced data corresponds to the plurality of layers (Col. 6, lines 6-12).

As per claim 4, Park teaches the method of claim 1, wherein the coding of the plurality of quantized samples comprises:

mapping a plurality of quantized samples on a bit plane (Col. 7, lines 51- 65 show the 4\*8 bit plane of quantized samples); and

coding the samples in units of symbols within a bit range allowed in a layer corresponding to the samples in order from a symbol formed with MSB bits down to a symbol formed with LSB bits (Col. 8, lines 2-11, wherein the units of symbols are represented by the bit sequences.).

As per claim 6, Park teaches a method for decoding audio data that is coded in a layered structure, with scalability, comprising:

differential-decoding additional information containing scale factor information and coding model information corresponding to a first layer (Col. 4, lines 37-48, wherein the quantization step size information is the scale factor information, and the quantization bit information is the coding model information. Also Col. 3, lines 18-21, describe the order of creation of the layers.);

Huffman-decoding audio data in units of symbols in order from a symbol ' formed with MSB bits down to a symbol formed with LSB bits and obtaining quantized samples by referring to the coding model information (Col. 4, lines 37- 48 and 64-65, wherein the symbols are represented by bits (Col. 4, lines 49-50).);

inversely quantizing the obtained quantized samples by referring to the scale factor information (inverse quantizing portion 410 from Fig. 4 and Col. 13, lines 5-7);

inversely MDCT transforming the inversely quantized samples (frequency/time mapping portion 420 from Fig. 4 and Col. 13, lines 7-10. Note that Park does not specifically mention using the inverse MDCT in transforming the signal from frequency to the temporal domain, however it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the same process for decoding as for encoding but inversely, in which case the inventor used the MDCT transform for the time/frequency mapping portion for converting the data from the temporal domain into the frequency domain (Col. 10, lines 62-65, and Col. 13, lines 34-38).); and

repeatedly performing the steps with increasing the ordinal number of the layer one by one every time, until decoding for a predetermined plurality of layers is finished (Col. 13, lines 31-34),

wherein at least one of the foregoing steps is carried out on a programmable device (Col. 13, lines 38-45).

As per claim 7, Park teaches the method according to claim 6, wherein the Huffman-decoding of audio data comprises:

decoding audio data in units of symbols within a bit range allowed in a layer corresponding to the audio data, in order from a symbol formed with MSB bits down to a symbol formed with LSB bits (Col. 13, lines 14-30, wherein the units of symbols are represented by bits.); and

obtaining quantized samples from a bit plane on which decoded symbols are arranged (Col. 13, lines 18-20, wherein Col. 7, lines 50-65 illustrate the arrangement of bits or bit plane used for the encoding, and Col. 8, lines 2-11 describe the arrangement of the bit patterns (symbols) for encoding.).

As per claim 8, Park teaches the method according to claim 7, wherein in decoding audio data, a  $4 \times K$  bit plane formed with decoded symbols is obtained, and in obtaining quantized samples,  $K$  quantized samples are obtained from the  $4 \times K$  bit plane, where  $K$  is an integer (Col. 13, lines 18-20, wherein Col. 7, lines 50-65 illustrate the arrangement of bits or bit plane ( $4 \times K$ ) used for the encoding. For this example bit plane, the number of quantized samples ( $K$ ) is 8, and the symbols are represented as bits.).

As per claim 9, Park teaches an apparatus for decoding audio data that is coded in a layered structure, with scalability, comprising:

an unpacking unit which decodes additional information containing scale factor information and coding model information corresponding to a first layer, and by referring to the coding model information, Huffman-decodes audio data in units of symbols in order from a symbol formed with MSB bits down to a symbol formed with LSB bits and obtaining quantized samples (bitstream analyzing portion 400 from Fig. 4, and Col. 4, lines 37-50 and lines 64-65, wherein the quantization step size information is the scale factor information, and the quantization bit information is the coding model information, also the units of symbols are represented by bits.);

an inverse quantization unit which inversely quantizes the obtained quantized samples by referring to the scale factor information (inverse quantizing portion 410 from Fig. 4, and Col. 4, lines 37-48); and

an inverse transformation unit which inverse-transforms the inversely quantized samples (frequency/time mapping portion 420 from Fig. 4, and Col. 4, lines 37-48).

As per claim 10, Park teaches the apparatus of claim 9, wherein the unpacking unit decodes audio data in units of symbols within a bit range allowed in a layer corresponding to the audio data, in order from a symbol formed with MSB bits down to a symbol formed with LSB bits, and obtains quantized samples from a bit plane on which decoded symbols are arranged (Col. 12 line 67 to Col. 13 line 5, and Col. 13, lines 11-20, wherein the units of symbols are the bitstreams which are composed of the bit sequences obtained from the bit plane as shown in Col. 7, lines 51-65.).

As per claim 11, Park teaches the apparatus of claim 10, wherein the unpacking unit obtains a  $4 \times K$  bit plane formed with decoded symbols and then, obtains K quantized samples from the  $4 \times K$  bit plane, where K is an integer (Col. 7, lines 49-65,  $4 \times 8$  bit plane).

As per claim 12, Park teaches an apparatus for coding audio data with scalability comprising:

a transformation unit which MDCT transforms the audio data (time/frequency mapping portion 200 from Fig. 2, and Col. 6, lines 23-26);

a quantization unit which quantizes the MDCT-transformed audio data corresponding to each layer, by referring to the scale factor information, and outputs quantized samples (quantizing portion 220 from Fig. 2, and Col. 6, lines 30-37, wherein the scale factor information is the quantization step size.); and

a packing unit which differential-codes additional information containing scale factor information and coding model information corresponding to each layer, and Huffman-codes the plurality of quantized samples from the quantization unit, in units of symbols in order from a symbol formed with most significant bits (MSB) down to a symbol formed with least significant bits (LSB) by referring to the coding model information (bit packing portion 240 from Fig. 2, Col. 6, lines 1-12, Col. 3, lines 39-42, and Col. 3, lines 46-48, wherein the quantization step size information is the scale factor information, and the quantization bit information is the coding model information. Also the symbols are represented by the bit sequences of the bit-plane (Col. 7, lines 50-65).).

As per claim 13, Park teaches the apparatus according to claim 12, wherein the packing unit obtains scale band information and coding band information corresponding to each of the plurality of layers, and codes additional information containing scale factor information and coding model information based on scale band information and coding band information corresponding to each layer (Col. 6, lines 1-6 and Col. 3, lines 39-42, wherein the quantization step size information is the scale factor information, and the quantization bit information is the coding model information.).

As per claim 14, Park teaches the apparatus according to claim 12, wherein the packing unit counts the number of coded bits and if the number of counted bits exceeds a bit range corresponding to the bits, stops the coding, and if the number of counted bits is less than the bit range corresponding to the bits even after quantized samples are all coded, codes bits that remain not coded after coding in a lower layer is finished, to the extent that the bit range permits (Col. 6, lines 1-6, and steps (b) and (c) from Col. 3, lines 18-30.).

As per claim 15, Park teaches the apparatus according to claim 12, wherein the packing unit slices the MDCT-transformed data by referring to a cut-off frequency so that the sliced data corresponds to the plurality of layers (Col. 6, lines 1-12 and Col. 6, lines 24-27).

As per claim 16, Park teaches the apparatus according to claim 12, wherein the wherein the packing unit maps a plurality of quantized samples on a bit plane, and codes the samples in units of symbols within a bit range allowed in a layer corresponding to the samples, in order from a symbol formed with MSB bits down to a symbol formed with LSB bits (Col. 6, lines 1-12, wherein the bit sequences are the symbols. An example of a bit plane used for the coding is shown in Col. 7, lines 51-65.).

***Claim Rejections - 35 USC § 103***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (US Patent 6,438,525) in view of Andrew et al. (US 2002/0131084).

As per claim 5, Park teaches the method according to claim 4, wherein in the mapping of the plurality of quantized samples, K quantized samples are mapped on a bit plane and Huffman coding is performed by referring to the K-bit binary data where K is an integer (Col. 7, line 49 to Col. 8, line 11).

However Park does not specifically mention obtaining a scalar value corresponding to the symbol formed with K-bit binary data, and then performing Huffman coding by referring to the obtained scalar value and a scalar value corresponding to a symbol higher than a current symbol on the bit plane.

Conversely, Andrew et al. teach obtaining a scalar value corresponding to the symbol formed with K-bit binary data, and then performing Huffman coding by referring to the obtained scalar value and a scalar value corresponding to a symbol higher than a current symbol on the bit plane (See Paragraph [0080], "The Huffman decoders are staggered so that a Huffman decoder decoding bits at a lower bit plane has available the necessary information from higher bit planes (decoded from a Huffman decoder) to decode each coefficient in the scan," wherein the scalar values are represented by the "necessary information" and the symbols are represented by bits. It is noted that even though Andrew's decoder is the one having available the "necessary information from

higher bit planes" it would have been obvious to a person having ordinary skill in the art at the time of the invention that since the "necessary information" is decoded from a Huffman decoder, that information had to be available as well in the coding process for it to be able to be decoded or used by the decoder. Also, even though Andrew only mentions the "necessary information from higher bit planes," it would have been obvious to one having ordinary skill in the art at the time of the invention that in order for the "necessary information" from a higher bit plane to be available, the current "necessary information" (or current scalar value) for that higher bit plane had to also be available during the coding process.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of obtaining a scalar value corresponding to the symbol formed with K-bit binary data, and then performing Huffman coding by referring to the obtained scalar value and a scalar value corresponding to a symbol higher than a current symbol on the bit plane as taught by Andrew et al. for Park's method in order to provide more parameters or necessary information from current or higher bit planes in order to obtain specific coding values and also to have that necessary information available to a decoder in order to obtain the quantized binary values.

As per claim 17, Park teaches the apparatus of claim 16, wherein the packing unit maps K quantized samples on a bit plane and then performs Huffman-coding by referring to the K-bit binary data where K is an integer (Col. 7, line 49 to Col. 8, line 11).

However, Park does not specifically mention obtaining a scalar value corresponding to the symbol formed with K-bit binary data, and then performing Huffman coding by referring to the obtained scalar value and a scalar value corresponding to a symbol higher than a current symbol on the bit plane.

Conversely, Andrew et al. teach obtaining a scalar value corresponding to the symbol formed with K-bit binary data, and then performing Huffman coding by referring to the obtained scalar value and a scalar value corresponding to a symbol higher than a current symbol on the bit plane (See Paragraph [0080], "The Huffman decoders are staggered so that a Huffman decoder decoding bits at a lower bit plane has available the necessary information from higher bit planes (decoded from a Huffman decoder) to decode each coefficient in the scan," wherein the scalar values are represented by the "necessary information" and the symbols are represented by bits. It is noted that even though Andrew's decoder is the one having available the "necessary information from higher bit planes" it would have been obvious to a person having ordinary skill in the art at the time of the invention that since the "necessary information" is decoded from a Huffman decoder, that information had to be available as well in the coding process for it to be able to be decoded or used by the decoder. Also, even though Andrew only mentions the "necessary information from higher bit planes," it would have been obvious to one having ordinary skill in the art at the time of the invention that in order for the "necessary information" from a higher bit plane to be available, the current "necessary information" (or current scalar value) for that higher bit plane had to also be available during the coding process.).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the feature of obtaining a scalar value corresponding to the symbol formed with K-bit binary data, and then performing Huffman coding by referring to the obtained scalar value and a scalar value corresponding to a symbol higher than a current symbol on the bit plane as taught by Andrew et al. for Park's apparatus in order to provide more parameters or necessary information from current or higher bit planes in order to obtain specific coding values and also to have that necessary information available to a decoder in order to obtain the quantized binary values.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie Lennox whose telephone number is (571) 270-

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1649. The examiner can normally be reached on Monday to Friday 9:30 am - 7 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NL

01/28/2008

  
RICHEMOND DORVIL  
SUPERVISORY PATENT EXAMINER